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Attorneys for Nominal Defendant
Wal-Mart Stores, Inc.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

M.J. FURMAN, derivatively on behalf of
WAL-MART STORES, INC.,

Plaintiff,

vs.

S. ROBSON WALTON, et al.,

Defendants,

- and -

WAL-MART STORES, INC.,

Nominal Defendant.

Case No. C-06-3532 SBA

STIPULATION AND
~~PROPOSED~~ ORDER RE
DEFENDANTS' RESPONSE
AND BRIEFING SCHEDULE

STIPULATION AND [PROPOSED] ORDER RE
DEFENDANTS' RESPONSE AND BRIEFING SCHEDULE
CASE NO. C-06-3532 SBA

1 WHEREAS, on June 1, 2006, Plaintiff filed a Shareholder Derivative Complaint
2 (“Complaint”) in this Court;

3 WHEREAS, on June 27, 2006, Plaintiff filed an Administrative Motion To Consider
4 Whether Cases Should Be Related seeking an order designating two cases – this Action and *Dukes*
5 *v. Wal-Mart Stores, Inc.*, No. C-01-02252 MJJ (the “*Dukes* Action”) – as “related cases” within
6 the meaning of Local Rule 3-12(a);

7 WHEREAS, defendants (including nominal defendant Wal-Mart Stores, Inc.) in this
8 Action and the *Dukes* Action filed briefs in opposition to Plaintiff’s administrative motion;

9 WHEREAS plaintiff and defendants entered into an agreement pursuant to which
10 defendants accepted service through counsel and the parties agreed that answers or motions to
11 dismiss would be filed on or before August 22, 2006;

12 WHEREAS, on August 22, 2006, as required and in accordance with the parties’
13 scheduling stipulation, a motion to dismiss the Complaint (and supporting papers) was filed;

14 WHEREAS, on August 25, 2006, the Court requested that the motion to dismiss be
15 withdrawn pending a ruling on the Administrative Motion and re-filed following a ruling on the
16 Administrative Motion;

17 WHEREAS, on December 5, 2006, the Court denied plaintiff’s Administrative Motion;

18 WHEREAS, defendants have informed plaintiff that defendants intend to re-file defen-
19 dants’ motion to dismiss the Complaint (and supporting papers);

20 WHEREAS, the parties agree that it is appropriate to set a briefing and hearing schedule
21 which allocates time in an efficient and equitable manner and that would allow the parties to fully
22 brief the legal issues raised by the Complaint;

23 WHEREAS the parties have considered travel schedules and holidays and the Court’s
24 availability for a hearing in agreeing on a schedule;

25 WHEREAS, plaintiff reserves the right to seek discovery and additional time in order to
26 respond to the motion to dismiss, and defendants believe that plaintiff is not entitled to discovery
27 prior to the Court’s ruling on the motion to dismiss;

28 STIPULATION AND [PROPOSED] ORDER RE
DEFENDANTS’ RESPONSE AND BRIEFING SCHEDULE
CASE NO. C-06-3532 SBA

1 Therefore, the parties stipulate, subject to the approval of this Court, to the following
2 briefing and hearing schedule for defendants' motion to dismiss the Complaint without waiver of
3 plaintiff's right to seek additional time in order to conduct discovery and defendants' right to
4 object:

5 1. Defendants' motion to dismiss the Complaint filed on August 22, 2006 and
6 withdrawn on August 25, 2006 is to be re-filed with an amended notice of motion within two
7 business days of the entry of this order.

8 2. Plaintiff shall respond to the motion to dismiss the Complaint no later than
9 February 9, 2007.

10 3. Defendants shall file any reply brief in support of their motion to dismiss the
11 Complaint no later than March 12, 2007.

12 4. A hearing on Defendants' motion to dismiss is scheduled for April 17, 2007, at
13 1:00 pm.

14 Dated: December 15, 2006 Respectfully submitted,
15 COTCHETT, PITRE, SIMON & MCCARTHY

16 By: /s/ Mark Molumphy
17 Mark Molumphy

18 Attorneys for Plaintiff M.J. Furman,
19 derivatively on behalf of Wal-Mart Stores, Inc.

20 Dated: December 15, 2006 WILSON SONSINI GOODRICH & ROSATI
21 Professional Corporation

22 By: /s/ Ignacio E. Salceda
23 Ignacio E. Salceda

24 Attorneys for Nominal Defendant
25 Wal-Mart Stores, Inc.

1 Dated: December 15, 2006

WEIL, GOTSHAL & MANGES LLP

2
3 By: /s/ Edward R. Reines
4 Edward R. Reines

5 Attorneys for Defendants S. Robson Walton,
6 Jim C. Walton, James W. Breyer, David D.
7 Glass, Roland A. Hernandez, H. Lee Scott, Jr.,
8 Jack C. Shewmaker and Jose H. Villarreal
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~~XXXXXX~~
[PROPOSED] ORDER

The foregoing Joint Stipulation Re Defendants' Response And Briefing Schedule is approved and is so ordered.

Dated: 12/15/06

By: 
United States District Judge

1 I, Ignacio E. Salceda, am the ECF User whose identification and password are being used
2 to file the Joint Stipulation And [Proposed] Order Re Defendants' Response And Briefing
3 Schedule. In compliance with General Order 45.X.B, I hereby attest that Edward R. Reines, and
4 Mark Molumphy have concurred in this filing.

5 Dated: December 15, 2006

WILSON SONSINI GOODRICH & ROSATI
Professional Corporation

8 By: /s/ Ignacio E. Salceda
Ignacio E. Salceda

9 Attorneys for Nominal Defendant
10 Wal-Mart Stores, Inc.
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